

**Docket No.: PB-0008-1 CIP**

**Response Under 37 C.F.R. 1.116 - Expedited Procedure**

**Examining Group 1631**

Certificate of Mailing

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Jeannie G. Labra

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Walker et al.

Title: DIAGNOSTICS AND THERAPEUTICS FOR PANCREATIC DISORDERS

Serial No.: 09/864,711

Filing Date: May 23, 2001

Examiner: Martinell, J.

Group Art Unit: 1631

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Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision dated October 21, 2003, of the Examiner's rejection of Claim(s) 2, 3, 13, 14, 15 and 21.

Applicants believe that no fees are due for this appeal, as a Notice of Appeal was previously filed on September 30, 2003 for the Examiner's rejection of claims 15 and 21 from the decision dated July 1, 2003. The current appeal merely addresses additional claims 2, 3, 13, and 14, subsequently rejected in a second final rejection dated October 21, 2003.

However, in the event that the Commissioner determines the additional fee is due, the Commissioner is hereby authorized to charge the Appeal fee of \$330.00 required under 37 CFR 1.17(b) to Deposit Account No. 09-0108, or to credit any overpayments to Deposit Account No. 09-0108.

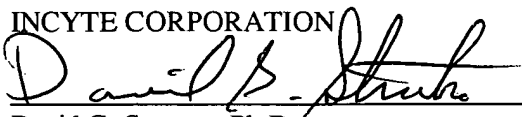
01/28/2004 SZEWDIE1 00000100 090108 09864711

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Respectfully submitted,

INCYTE CORPORATION

Date: 

  
David G. Streeter, Ph.D.

Reg. No. 43,168

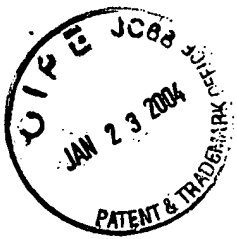
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Serial No.: 09/864,711

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**TRANSMITTAL FEE SHEET**

Sir:

Transmitted herewith are the following for the above-identified application:

1. Return Receipt Postcard; and
2. Notice of Appeal (1 pg.).

The fee has been calculated as follows:

<u>X</u>	Fee for filing Notice of Appeal under 37 C.F.R. § 1.17(b):	\$ 330.00
<u>X</u>	Please charge Deposit Account No. 09-0108 the amount of:	\$ 330.00

The Commissioner is hereby authorized to charge any additional fees required under 37 C.F.R. §§ 1.16 and 1.17, or credit overpayment to Deposit Account No. 09-0108. **A duplicate copy of this sheet is enclosed.**

Respectfully submitted,

INCYTE CORPORATION

Date: January 20, 2004

[Signature]

David G. Streeter, Ph.D.

Reg. No. 43,168

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